

**SHOREVIEW PLANNING COMMISSION
MEETING MINUTES
April 29, 2008**

CALL TO ORDER

Chair Feldsien called the meeting of the April 29, 2008 Shoreview Planning Commission meeting to order at 7:00 p.m.

ROLL CALL

The following members were present: Chair Feldsien, Commissioners Mons, Proud, Schumer, Solomonson and Wenner.

Commissioner Ferrington was absent.

APPROVAL OF AGENDA

MOTION: by Commissioner Wenner, seconded by Commissioner Solomonson to approve the April 29, 2008 agenda as submitted.

ROLL CALL: Ayes - 6 Nays - 0

APPROVAL OF MINUTES

MOTION: by Commissioner Mons, seconded by Commissioner Schumer to approve the February 26, 2008 Planning Commission meeting minutes as submitted.

ROLL CALL: Ayes - 6 Nays - 0

REPORT ON CITY COUNCIL ACTIONS

City Planner Kathleen Nordine reported that the City Council approved the Verizon wireless generator at the March 3rd Council meeting.

NEW BUSINESS

PUBLIC HEARING - CONDITIONAL USE PERMIT

FILE NO.: 2312-08-09
APPLICANT: HOUSE OF DREAMS/PETER & JILL SAJEVIC
LOCATION: 3320 WEST OWASSO BOULEVARD

Presentation by Senior Planner Rob Warwick

The applicants have requested a Conditional Use Permit for 1200 square feet of accessory floor area for their property at 5090 Lexington Avenue. The property is a riparian lot on Turtle Lake and is located in the Residential Real Estate (RE) District with a lot width of 100 feet and lot depth of 790 feet. Accessory structures exceeding 1200 square feet are permitted on lots larger than one acre with a Conditional Use Permit. The property consists of 1.8 acres. Currently, the property has a house, two-car attached garage, two-story boathouse, a two-car detached garage and a shed. Total current area for accessory structures is 1,296 square feet. With the expansion, the proposed total accessory structure area would be 1,870 square feet. The house is in the process of being expanded by 574 square feet by converting existing attached garage space into living area.

The proposed expansion to the garage is approximately 45 square feet and extends 17 feet closer to the street. It meets all setback requirements. Staff does not believe there will be any impact to adjacent properties, as the property to the north has a garage of almost 1,000 square feet. The property to the south has two detached accessory structures. The house and accessory structures are well screened from Lexington Avenue.

Shoreland mitigation is required, and the applicants have identified architectural mass and an infiltration area to collect runoff from the drive and parking areas. These comply with City regulations. Staff is recommending the application be forwarded to the City Council for approval with the findings and conditions noted in the staff report.

Property owners within 350 feet were notified. One written comment of support was received.

Chair Feldsien asked if details of the infiltration area are available. Mr. Warwick stated that he has inspected the area, and the runoff requirements have been reviewed with the Assistant City Engineer. It is estimated that an area of 20 x 30 will sufficiently handle infiltration. The exact area will be identified before the City Council meeting.

City Attorney Filla reported that Senior Planner Warwick has verified that the proper public hearing notices have been given and the affidavits are in the City file.

Chair Feldsien opened the public hearing. There were no comments or questions.

MOTION: by Commissioner Mons, seconded by Commissioner Wenner to close the

public hearing.

ROLL CALL: Ayes - 6 Nays - 0

MOTION: by Commissioner Wenner, seconded by Commissioner Mons to recommend the City Council approve the Conditional Use Permit for 5090 Lexington Avenue, subject to the following conditions:

1. The project must be completed in accordance with the plans submitted with the applications. The attached garage shall not exceed 572 square feet in size, and the total floor area of all accessory structures shall not exceed 1,870 square feet. Any significant changes to these plans, as determined by the City Planner, will require review and approval by the Planning Commission.
2. This approval will expire after one year if a building permit has not been issued and work commenced.
3. The mitigation plan shall be completed within one year of this approval date. A Mitigation Affidavit shall be executed prior to the issuance of a building permit for the new home.
4. The accessory structures on the property shall be used for personal use only and no commercial use/commercial related storage is permitted.
5. When the 192 square foot shed reaches the end of its useful life, it shall be removed and not replaced, reducing the number of detached accessory building to two, the maximum number now permitted by City regulations. Repairs, including individual structural members, shall be permitted, but no repair work shall exceed 50% of the replacement value of the shed.

The approval is based on the following findings:

1. The property has been developed with three detached accessory buildings and an attached two-car garage since 1974. The proposed expansion of the attached garage will not have an adverse impact on the nearby properties.
2. The 1,870 square feet of total accessory floor area is 81.5% of the living area foundation, less than the 90% maximum specified in the Development Code, and the attached garage is set back approximately 15 feet from the side lot line, in excess of the minimum 10-foot setback required. The proposal therefore meets the spirit and intent of the Code.

ROLL CALL: Ayes - 6 Nays - 0

MINOR SUBDIVISION

FILE NO.: 2310-08-07
APPLICANT: BRIAN & MICHELLE BAUMGARTNER
LOCATION: 3320 WEST OWASSO BOULEVARD

Presentation by Senior Planner Rob Warwick

The applicants seek to subdivide their property into two lots and maintain the existing residence on Parcel B. The house and accessory structures comply with setback requirements. Parcel A would be a new residential site. An easement from Parcel A would be required for access to Parcel B. It has not been decided whether the applicants will build a new home or sell the new lot. The property is in the R-1 Detached Residential district. The lot width is approximately 205 feet and depth of 244 feet. The site is sloped with mature trees. Any tree removal for a new house would require replacement at the City's required ratio. The street elevation is approximately 940; the garage elevation is at 959, and the main level of the house is at 968. The high point of the property is behind the house at 970. There is approximately 30 feet of grade change from the street to the high point behind the house.

The proposed subdivision would be 75.5 feet in width and 244 feet in depth. The two proposed lot sizes comply with City requirements. The new parcel would have a 50-foot wide buildable area. Sewer and water are available on the site. Drainage and utility easements will be required. Clarification is needed on the location of the sewer stub available to the new parcel before the City will endorse deeds. If the sewer stub for Parcel A runs across Parcel B, private easements will be necessary. Staff notes that a house built in compliance with the front setback requirement may require a sewage ejector pump due to elevation. Increasing the front setback may allow installation of a gravity sewer, but a variance would be needed to increase the setback.

Property owners within 350 feet were notified of the application. Three written responses were received. Concerns have been expressed about lot area relative to adjacent larger lots, topography, driveways and behavior of domestic animals owned by the applicants. Relocation of the driveway closer to neighbors may increase noise from dogs.

Staff finds that the subdivision complies with City regulations. It is recommended that the application be forwarded to the City Council for approval with the conditions listed in the staff report.

Commissioner Mons noted that one neighbor commented that the City would not allow any further water and sewer hookups in the area. Mr. Warwick responded that the property has two sewer service stubs that were put in to allow for future growth, and that the area has sufficient capacity for this and other potential development that may be proposed in the neighborhood.

Chair Feldsien asked if the alley behind the property is impacted. Mr. Warwick stated that a portion of Dale Alley is public. It does not directly abut the property. The owners appear to access their property from the alley to get a boat in and out across the property of others.

Commissioner Solomonson asked if there are other options for the driveway design that does not

include any easements. Mr. Warwick stated that the steep topography impacted how the driveway was designed.

Commissioner Schumer asked if the driveway could be moved further from the property line so dogs are not bothering the neighbors. Mr. Warwick stated that if the dogs are not behaving, animal control is the proper channel for the issue.

Chair Feldsien opened the discussion to public comment.

Mr. Don Allen, 3316 West Owasso Boulevard, stated that he is the adjacent neighbor to the south. He asked if a variance were provided for an increased front setback to allow gravity sewer, would it also present an opportunity for a shared driveway that would be an added convenience for both properties. Chair Feldsien responded that amount of detail will not be known until a house design is presented.

Mr. Brian Baumgartner, Applicant, stated that an increased setback would be desirable so as not to have to install a sewage pump. A shared driveway would be more convenient and less expensive. However, they have tried to present the application without having to request a variance. As for their dogs, Animal Control has never been to their house and he is not aware of any complaint. There is an electrical fence system to keep dogs on their property. In regard to lot size, his is the largest on West Owasso Boulevard. With the subdivision, the two parcels would still be the second and third largest.

MOTION: by Commissioner Proud, seconded by Commissioner Solomonson to recommend the City Council approve the Minor Subdivision request for 3320 West Owasso Boulevard, subject to the following conditions:

1. The minor subdivision shall be in accordance with the plans submitted.
2. The applicant shall pay a Public Recreation Use Dedication fee as required by Section 204.020 of the Development Regulations before the City will endorse deeds for recording. The fee will be 4% of the fair market value of Parcel A.
3. Public drainage and utility easements shall be dedicated to the City as required by the Public Works Director. Private easements are required for the proposed driveway turnaround and for private utilities serving the existing house that are located on Parcel A. The applicant shall be responsible for providing legal descriptions for all required easements. Easements shall be dedicated before the City will endorse deeds for recording.
4. Maintenance of the driveway and private utilities shall be addressed in the easement documents, subject to the approval of the City Attorney.
5. Municipal water and sanitary sewer service shall be provided to the new lot.
6. The applicants shall enter into a Development Agreement with the City. This agreement shall be executed prior to the City's release of the deeds for recording.
7. This approval shall expire after one year if the subdivision has not been recorded with Ramsey County.

The recommendation is based on the following findings:

1. The proposed lots conform to the adopted City standards for new lots.
2. Municipal water and sanitary sewer service are available for each proposed parcel.

ROLL CALL: Ayes - 6 Nays - 0

PLANNED UNIT DEVELOPMENT - CONCEPT STAGE

Presentation by City Planner Kathleen Nordine

In July 2007, Cascade Partners received a number of approvals, including Development Stage Review for a PUD, for a mixed-use development including a senior residence and office development at 4684, 4696 and 4710 Hodgson Road. Final plans have not been submitted. Mr. Pat Julik of Cascade Partners has been working with Southview Senior Living to develop the senior residence portion of this property. This plan is different from plans that were previously approved. The property at 4696 is not included in this proposal, and the office component has been reduced to 6,000 square feet. The senior residence would be a catered living facility with independent living, assisted living and memory care totaling 104 units. The building design is of a similar size and height to the previously approved structure that consisted of 68 units.

The overall site is approximately 4 acres. There are two existing homes that would be removed. The office building would have access from Hodgson Road with Cumberland extended to Hodgson Road. The senior residence would also have access from that road. This development will benefit the City by providing another choice for seniors in the community. Other senior residences in the City do not provide assisted living or memory care.

Deviations that the applicant is seeking from the code include:

- Required building setback from the road is 50 feet; the request is for 25 feet from Cumberland and 15 feet from Hodgson;
- Required parking setback from Hodgson and the remaining residential home is 20 feet; 10 feet is requested from Hodgson and 5 feet from the existing home;
- Required building setback from the southern property line is 31 feet; 25 feet is requested;
- Required building setback from the common lot line with 4696 Hodgson is 20 feet; 10 feet is requested;
- The maximum building height is 35 feet; 36 feet is requested.

The Comprehensive Plan identifies this area as Policy Development Area No. 11. The land use designation is for low and medium density residential. Office and senior residences are permitted on a case-by-case review basis.

A senior residence and office uses are compatible with surrounding land uses. They provide a transition from the residential area to the north to the commercial area to the south. The density is 31.5 units per acre, which falls within City guidelines of 20 to 45 units per acre. There will be more staff working on-site, and more parking area will be needed. Food services and limited

medical services will be offered. Staff believes the higher impact of these needs can be mitigated by the site design, building design, landscaping and conditions, if needed, regarding operations of the facility.

The increase in units is a result of smaller units within a similar building that was presented previously. Staff is requesting additional traffic information to be submitted with the Development Stage Review. Landscaping would be required to screen parking from residential uses and the road. Although similar to the previous building design, the changes will better address the concerns expressed from adjacent residents to the east. The structure setback from the east property line is 66 feet. The setback from the north property line has been increased from 34 feet to 35 feet. From ground grade to peak, the height is 41 feet 6 inches; ground grade to midpoint of the roof is 36 feet. The approved Cascades building had a height of 48 feet ground grade to peak and 41.7 feet ground grade to midpoint. The length of the third floor on the east side has been reduced from 166.5 feet to 148.5 feet. Decks have been eliminated.

A concept plan has been submitted that shows the property at 4696 being developed as office in the future. Staff is concerned about the impact of this development to this home. Future plans should include landscaping and screening, drainage management and a mechanism to include this property in the present development in the future.

The Fire Department requires fire safety measures be in place as the development proceeds.

Property owners within 350 feet were notified. Written comments express concerns about traffic, density, architectural design, visual impact and screening, noise, odor and light pollution. A letter received from the property owner at 4696 expressed concerns about the setback of 15 feet and how existing vegetation would be impacted. The owner would like to see fencing. Residents to the east in North Oaks have indicated the following concerns:

- Reduce density in order to eliminate some third floor units and thus move the third floor further south;
- Use high quality material of an earth tone for the roof so that it blends in;
- Additional screening and privacy cedar fence;
- Filters be used to screen odors;
- Indirect lighting to minimize lighting impacts;
- Insure that service delivery areas are located away from homes.

Commissioner Proud asked if this land use helps the City to meet any goals set by the Metropolitan Council. Ms. Nordine answered that this facility would help the City meet its life cycle housing goals.

Commissioner Wenner asked if the increase in traffic to the building is counter balanced by decreased traffic of residents. Ms. Nordine agreed that residents will be less active, but there will be more employees and visitors.

Commissioner Solomonson noted only eight parking spaces for visitors and would like the applicant to speak to that issue.

Mr. Link Wilson, Project Architect, introduced Pat Julik, owner of the property; and Lance LeMieux, developer of Southview Senior Living. Mr. LeMieux is a third-generation senior living provider; and Greg Stall who will be one of the tenants in the office space.

Although 104 units, there are fewer bedrooms than what was approved last year. This facility will free up single family homes for younger families in Shoreview. There are four major changes from the last plan: 1) the footprint is smaller; 2) the height is shorter; 3) the building is further from residents in North Oaks; 4) efforts have been made to work with the residents in North Oaks to shorten a portion of the building.

A year ago the resident at 4696 Hodgson Road was part of the project. At this time she has decided not to be involved but is concerned about trees on her property. They provide good screening. An arborist would be brought in to work to save those trees. A plan will be presented on how this will be done at a later time. One request is to reduce the setback to the south to 16 feet. That would make sure to provide more distance from those trees to protect them. Two parking spaces are 10 feet from 4696, and that distance can be increased. There are 70 spaces for staff and an additional 18 for visitors. The building will block any deliveries. Native plantings will be used.

A traffic study is underway. There are over 1 million cars that go through the intersection of Highway 96 and Hodgson Road. It is his belief that amount of traffic will pressure this area for development. The water from the home will be channeled to a retention pond. Landscaping will be provided that is beyond what is required. Neighbors will be consulted as to adequate screening.

Residents of the senior building have an average age of 83. Shingle and hardy siding will be used with stone and brick, and high quality roofing materials. The exhaust for the kitchen will be hidden with a filtration system. It is cleaned every six months.

Commissioner Mons asked if there are elevation plans for the office building and how deliveries will be done. **Mr. Wilson** stated that they are not done. The office building will be one story, residential in nature with exterior materials that are compatible with the senior building. Senior building deliveries are through the garage. Fed Ex and UPS trucks will come to the front.

Commissioner Proud noted that the building is adjacent to a fire station and suggested noise abatement in the building for residents. Further, a prime concern is to put a sidewalk in. **Mr. Wilson** agreed. Ms. Nordine noted a complicating factor with the sidewalk is that it would be in North Oaks, outside of the City's jurisdiction. Commissioner Proud said that a condition of approval for him would be inclusion of a sidewalk access to the commercial area to the south.

Chair Feldsien opened the discussion to public comment.

Mr. Greg Stall, Realty Executives, stated that he has a purchase agreement on the office building. His parking lot will provide overflow parking for the senior residence in exchange for snow plowing. He is willing to sign an agreement to that effect.

Mr. Steve King, 4696 Hodgson Road, stated that he would answer any questions. He commended the development team for their cooperation with Mrs. Schneider. They do not want to see any variances. That would devalue the house. He suggested Commissioners walk on-site to see exactly what the vegetation and screening. He referred Commissioners to the two letters they submitted.

Mr. Pat Julik stated that the reason elevations are not submitted for the office building is that it is exactly the same building that was proposed previously. The exterior will be complimentary to the large residence building. He did make an offer above the market for Mrs. Schneider's property. She has concerns about the trees and fencing. He anticipates those two issues will be addressed. He explained that while a sidewalk is needed, Shoreview would not maintain a sidewalk in North Oaks.

Commissioners expressed their gratitude and appreciation to the developer for the work that has been done to cooperate and work with neighbors.

Commissioner Proud stated that one option to maintain the sidewalk would be for the operator of the senior residence to maintain it. In regard to height, his question is whether the building is set at the lowest possible level to minimize height.

Commissioner Mons asked if Mrs. Schneider's letter of April 26, requesting a fence on four sides is what will be provided. **Mr. Julik** responded that what is in the letter is not was discussed. She has agreed to a six-foot fence. She has also requested a fence across the front of her property, which he is not sure that would make sense.

Commissioner Solomonson asked the timing of both buildings to be built. **Mr. Julik** stated that the site preparation will be for both buildings. There is a need for this type of senior building and no need for a pre-sale period as in the last proposal.

Commissioner Mons stated that he would like to see the total plan that shows how the office building is incorporated. He would prefer to see the senior building pulled further south away from the property at 4696, as that property is no longer part of the development. A 15-foot setback is not enough. A sidewalk is needed and would like to see a joint agreement between the two cities of Shoreview and North Oaks. Without that, he would like to hear from the Department of Public Works or the City Attorney as to how a sidewalk can be achieved. Commissioner Solomonson stated that he would be concerned about the senior building being shifted to the south because the Fire Department had concerns with the last proposal about the proximity of the building to the Fire Station. It would be a lot easier if there were an agreement with the resident at 4696 for future development. There are no alternatives outside the site for parking and he would like more information about the traffic patterns, deliveries and how parking will be accommodated.

Commissioner Schumer stated that his main concern is with the setback from the senior center to the house at 4696. He is very pleased to see the reduction in height and increased setbacks and the cooperation that has been shown the neighbors in North Oaks. He would like to see those

neighbors give back a little by approaching North Oaks to support the sidewalk that is needed.

Commissioner Wenner stated that this proposal meets a niche missing in Shoreview and is better than the previous offering of an expansion of what is already available. He also is concerned about the 15-foot setback to 4696 and would like to see an agreement between the developer and property owner. There is also a question of whether any expansion to Highway 49 will need additional right-of-way. This is a contiguous neighborhood, even though it is in both Shoreview and North Oaks and the proper infrastructure for the neighborhood is needed--the sidewalk.

Commissioner Proud expressed his appreciation of the positive design changes. His concerns are also the property at 4696 and the sidewalk. He suggested a more pro active filter system for the kitchen than one that is changed every six months. He would like more information about the basement depth to height.

Chair Feldsien stated that he would like to see the samples of the actual exterior building materials and colors. A closer look at the setback for the office from Hodgson is needed in case Hodgson is expanded. Parking is another concern and needs to be further defined. He would support an additional setback from 4696.

MISCELLANEOUS

City Council Assignments

Commissioner Proud and Chair Feldsien are scheduled to respectively attend the May 5th and May 19th City Council meetings.

Planning Commission Workshop

The Planning Commission will hold a workshop meeting prior to the regular May 27th meeting.

ADJOURNMENT

MOTION: by Commissioner Mons, seconded by Commissioner Schumer to adjourn the April 29, 2008 Planning Commission meeting at 9.06 p.m.

ROLL CALL: Ayes - 6 Nays - 0

ATTEST:

Kathleen Nordine
City Planner